

**MINUTES OF THE REGULAR PLANNING BOARD MEETING
MONDAY, JULY 14, 2008
COUNCIL CHAMBERS, CITY HALL
2263 SANTA CLARA AVENUE – 7:00 PM**

President Cook called the meeting to order at 7:05 p.m.

FLAG SALUTE: Board member Cunningham

ROLL CALL:

PRESENT: President Cook, Vice-President Kohlstrand, Board members Autorino, Cunningham, Ezzy Ashcraft, and McNamara. Board member Lynch arrived at 7:10 p.m.

ABSENT: None

STAFF PRESENT: Andrew Thomas, Planning Services Manager/Secretary to the Planning Board; Assistant City Attorney Farimah Faiz, Planner III Doug Garrison; Planner I Laura Ajello; Althea J. Carter, Executive Assistant/Recording Secretary

MINUTES:

Minutes for the meeting of April 14, 2008.

Motion (Cook)/Second (McNamara) to approve as amended.

Ayes: 4; Noes: 0; Abstain: 3 (Cunningham, Kohlstrand, Autorino). Motion passed.

Minutes for the meeting of May 12, 2008.

Motion (Cunningham)/Second (Ezzy Ashcraft) to approve as amended.

Ayes: 6; Noes: 0; Abstain 1 (Autorino). Motion passed.

Minutes for the meeting of May 27, 2008.

Motion (Cunningham)/Second (Kohlstrand) to approve as amended.

Ayes: 5; Noes: 0; Abstain: 2 (Cook, Lynch). Motion passed.

Minutes for the meeting of June 23, 2008.

Continued to the meeting of July 28, 2008.

5. AGENDA CHANGES AND DISCUSSION:
None

6. STAFF COMMUNICATIONS:

6-A. Future Agendas

Staff provided an update on future agenda items.

Board member Ezzy Ashcraft noted the Board had requested Staff to provide an educational overview discussion on form based codes at a future meeting. She inquired whether this discussion could take place at the meeting of July 28, 2008.

Board member Lynch requested that changes in the Housing Element law and the methodology used by ABAG to compute the City's numbers be included in staff's Housing Element Update report to the Board on July 28, 2008. He also asked that a schedule of the timeline be included.

Staff informed the Board that the timeline for bringing the Housing Element Update to the City Council for approval is spring 2009.

Staff inquired whether the Board would consider a joint meeting on August 25, 2008 with the Transportation Commission to discuss amendments to the commercial district parking regulations ordinance and to the draft transportation element General Plan Amendment (GPA) and Environmental Impact Report (EIR).

President Cook asked if the Board would approve the ordinance amendments, transportation element GPA and EIR.

Staff stated that amendments to the EIR must come through the Planning Board for review and recommendation to the City Council.

The Board agreed to a joint meeting with the Transportation Commission on August 25, 2008.

Board member Kohlstrand requested that staff provide large documents two weeks in advance of meetings and that the documents are made available to the public at the same time.

6-B. Zoning Administrator Report

Staff provided the Zoning Administrator report.

7. ORAL COMMUNICATIONS: None

- * Anyone may address the Board on a topic not on the agenda under this item by submitting a speaker's information slip, subject to the 5-minute time limit.

8. CONSENT CALENDAR: *Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Board or a member of the public by submitting a speaker slip for that item.* **None**

9. REGULAR AGENDA ITEMS:

9-A. 2008-2009 Election of Planning Board Officers. The Planning Board will elect a new President and Vice President for the upcoming year, as required by the Planning Board

President Cook moved to nominate Vice-President Kohlstrand for the position of Board President.

Board member Lynch seconded the motion, with the following voice vote – 7, Noes: 0; Absent: 0; Abstain: 0, the motion passed.

Vice President Kohlstrand moved to nominate Board member Ezzy Ashcraft for the position of Board Vice-President.

Board member McNamara seconded the motion, with the following voice vote – 7, Noes: 0; Absent: 0; Abstain: 0, the motion passed.

9-B. Variance and Design Review – PLN08-0086 – 1532 Santa Clara Avenue. The applicant is seeking Variance and Design Review approval for the addition of a second story, 440-square-foot master bedroom suite and 117 square foot deck to an existing one-story single-family residence. A 24-square-foot addition to the lower floor is also proposed; this addition requires a Variance to exceed maximum main building coverage. The proposed deck requires a Variance for building in the side yard setback. An existing side entry stair will also be rebuilt to comply with current building code standards. The property is located within the R-4, Neighborhood Residential Zoning District. (LA)

Ms. Ajello presented the staff report. Staff recommended denial of the project.

The public hearing was opened.

Norman Sanchez, architect, spoke in support of the project. He discussed some of the options that he explored with the applicants through the design process. The focus of the project was to keep the overall height of the house as low as possible and to keep the profile of the addition as seamless as possible. One of the main goals of the project was to provide the homeowners with viable outdoor open space, a privilege other homeowners in the neighborhood enjoy.

Sushma and Austin Lundd, applicants, spoke in favor of the project and stated that they are willing to arrange the construction schedule to best accommodate the neighbors' needs.

Jacki L. Reed spoke in favor of specific elements of the design. She is concerned about privacy as well as access to light. She would be okay with the addition of the bedroom but is opposed to the deck.

The public hearing was closed for Board discussion.

Board member Ezzy Ashcraft disclosed that she had visited the property. She agreed that the site is unique with a triangular shape. She stated her belief that variances should not be granted lightly but there are situations when it is appropriate, referring to state law. She believed she could make the findings and grant the variance request. She believed the design is consistent with the neighborhood and the 24-square-foot addition is small enough to

lessen the impact on the neighbors. She would be in favor of granting a variance that mitigates the privacy issue – suggesting privacy screens for the deck. She believed the applicants were willing to work with the neighbors regarding their concerns.

Board member McNamara approved of the design for the addition, felt it was appropriate and would enhance the home and the neighborhood. She expressed her concerns about the privacy issue with the apartment building next door and found it difficult to weigh the right to sunlight. She would be open to reducing the size of the second floor deck to address the neighbors concerns. She asked if the second story addition, at six feet higher than the current roofline, would have a cathedral ceiling.

Mr. Sanchez replied that it would.

Board member Lynch stated he would consider a conclusion that takes into consideration the current zoning code and how to overlay that within the parcel size. He would like to know the rationale for not considering the size of the lot, the square footage, and the shape of the lot as mitigating circumstances. He supports the position of the other Board members and would like to know the delta between the smaller deck that would comply with the zoning code and the deck as it is proposed.

A discussion ensued between staff and the Board regarding the encroachment portion of the deck.

Mr. Sanchez stated that the deck would be 85 sf and indicated that narrowing the deck on each side would reproduce the existing funnel shape, which is what they are trying to avoid.

Board member Cunningham asked if the option of not including the 24 sf expansion, keeping the existing profile, and putting the deck on top of it had been considered by the applicant.

Mr. Sanchez responded that option had been considered and explained that the model for size was whether two lounge chairs and a table could fit on the deck.

Board member Cunningham inquired whether the applicant had considered using sliding doors.

Mr. Sanchez affirmed that they had but the slope of the roof limited the options and a sliding door could not be accommodated.

Vice President Kohlstrand asked why the applicant chose not to go up using the existing building footprint. She liked the design and concurred that this is a difficult site. She is concerned about the close proximity of the next-door property and the expansion of the footprint being detrimental to the occupants of the adjacent property. She inquired whether a privacy screen was required and if the addition went up above the existing office would a variance still be required.

Staff explained that a variance would not be required but a K&L finding would be. Staff made a K&L finding for the second story addition but it is not applicable to decks.

President Cook believes findings 1 and 2 could be argued either way but was in support of finding 3 - detrimental effect to residents - in relationship to the deck. She stated if a compromise were reached on the size of the deck, she could support the project. She believed there were legitimate concerns by the neighbors regarding privacy.

Board member Ezzy Ashcraft stated that finding 3 and the staff report state the addition would not be detrimental to the neighbors or surrounding properties but the proposed expansion would further increase the nonconforming lot coverage. She believed that a solution could be reached by incorporation of a privacy screen. She believed the increased noise was not any louder than the current bus noise and traffic.

President Cook inquired whether a privacy screen would interfere with the views.

Staff stated that the Board could require the privacy screen to preserve the neighbor's privacy, but noted it would further affect access to light and views.

A Board discussion on privacy screens ensued.

President Cook stated that the Board was supportive of the proposal, agreed that the lot was of an unusual shape but had concerns about the deck. She suggested the Board either vote on the application or inquire whether the applicant would like to work on the deck issue and bring the proposal back to the Board.

Staff stated the options the Board had discussed: Direct staff to approve the project under design review, denying the two variances for the ground floor 24-foot expansion and the second floor deck, or approve the design review and make the findings for one or both of the variances.

President Cook stated another option would be for the applicant to return with a proposal for a conforming deck.

Staff stated that a conforming deck could be approved through design review if it met all the zoning requirements.

Mr. Sanchez stated his understanding of whether a variance would be required if the size of the deck were reduced.

Board member Lynch stated that if the Board proposed a motion that would give the applicant what they had requested but omitted the upper deck, they would design a deck that was conforming.

Vice President Kohlstrand recommended approval of the expansion at the ground floor, and the design review with the modification that the deck stay within the footprint of the existing house.

Staff asked for clarification on whether the Board was approving a three-foot setback on both sides.

Vice President Kohlstrand responded that the deck could go over three feet on the west side only.

Board member Autorino stated there was still the issue with the 30 inches and the screening and asked if a deck of any size would still require privacy screening.

President Cook stated that privacy screening is required. She suggested the applicants decide, before a motion is voted upon, whether they would like to revise the proposal and return to a future board meeting for review.

The applicants responded that if bringing the deck in two feet from the side where the apartment buildings are would result in project approval, they would agree to that. They stated their understanding that as long as it remains five feet away from the neighboring buildings, they can build the deck without a variance, but they would still prefer three feet on the other side.

Vice President Kohlstrand moved and Board member Cunningham seconded the motion to approve design review, make the findings for the ground floor 24-foot variance and exceptional circumstances. The circumstance is depriving the applicant of the right enjoyed by others and will not create any detriment on the ground floor. Approve a variance for an upstairs deck that can encroach three feet on one side but must maintain the five feet on the side of the apartment building. The motion passed with the following voice vote – 7. Noes: 0 Absent: 0 Abstain: 0. The motion passed.

Board member Cunningham moved and Board member Lynch seconded the motion to waive the privacy screen. The motion passed with the following voice vote – 7. Noes: 0 Absent: 0 Abstain: 0.

9-C. Major Design Review Approval – PLN08-0090 – 2230 South Shore Center (Building 1000, former Safeway Building). Proposed renovation of an existing building located at the Alameda Towne Centre. The building footprint will increase by approximately 1,575 square feet, and the average building height will increase to 30 feet, with decorative parapets at the east side of the building, at 35 feet in height. Loading docks will be relocated to the north side of the building. The proposed tenant, Orchard Supply Hardware, also proposes an outdoor garden supply area. Exterior materials include horizontal wood siding; concrete panels at the base of walls and cement plaster trim. The project also includes wooden trellises, new landscaping, and bicycle and pedestrian amenities. (DG)

Mr. Garrison presented the staff report. Staff recommended approval of the project.

President Cook inquired if this building was included in 2003 when the Board approved phases of the project.

Staff responded that the Board did not approve a 90,000 sf building proposed for the site in 2003. The environmental document for the project was approved, but not expansion of the building. Under the existing PDA, some increase in floor area is allowed during renovation, and the Alameda Municipal Code (AMC) allows for 25% expansion. There are conditions in

the 2003 entitlement that contain different numbers. In some cases, there are two or three conditions that address expansion and they have different numbers also.

President Cook inquired what the different numbers are and asked if a development agreement (DA) takes it outside the typical regulations.

Staff responded that there is not a DA for this project. The PDA has three different conditions and each condition has three different numbers. The largest is 25%, which matches the AMC.

President Cook asked what number staff had been using. Staff replied there has not been an increase that triggered a PDA under any of the interpretations.

President Cook clarified that the Board had not approved any expansion up to this point and asked about the existing size. Staff stated it is approximately 35-36,000 sf.

President Cook asked staff to confirm that all conditions have been met. Staff stated that all mitigation measures had been met.

The public hearing was opened.

Eugenie Thomson spoke in opposition to the project. She requested that an economic impact study be conducted and stated she believed there were also traffic ramifications.

Philip Jaber, part owner of Encinal Hardware, spoke in opposition to the project. He asked that a community impact study be conducted.

Holly Sellers spoke in favor of the project with some concerns. She asked that the Board not approve the zoning until the parking, cart corrals, and traffic analysis are sorted out.

Claire Risley spoke in opposition to the project. If the Board approved the application, she asked that the square footage of the proposed outdoor garden space be included in the Gross Leasable Area (GLA).

The public hearing was closed.

President Cook stated the applicant would install a signal to improve the traffic operations and assume financial responsibility. She inquired whether the Board was being asked to approve more than design review and whether the Board was being asked to approve a significant amount of square footage in the project.

Staff stated the issue of square footage is in regards to the garden center. The applicant's proposal does not treat the outdoor sales area as an expansion of floor area. Outdoor use of space has not been treated as gross leasable area for example outdoor seating for restaurants and outdoor displays of goods. The Board could sever the garden area from the application, approve the design review for the building, make the approval of the expansion of the garden center a condition, and require that the applicant get a PDA, which is the next item on the agenda.

President Cook inquired as to why the Board could not address the whole issue within the next agenda item.

Staff stated if the Board approved the next item as recommended; it included the expansion for this building, as well as the garden center. Retail hardware is permitted in this zone and on this site. Staff has conducted citywide retail studies, as part of the Alameda Landing, as well as a sales impact analysis. Based on those studies, staff believed there would not be a significant impact on local businesses.

In response to Board member Ezzy Ashcraft's inquiry regarding the square footage of the proposed garden center, staff stated it is approximately 6-8,000 sf.

President Cook asked how OSH merchandise and its size differ from a Paganos or Home Depot.

Anita Haws, Orchard Real Estate, and Ken Lucas, OSH Operations provided the Board with information about the history of OSH and its merchandise.

Board member McNamara asked about the size of the garden area.

Ms. Haws responded that they are working on the plans, but are planning for between 6,000-8,000 sf.

Board member Cunningham asked the OSH representatives to address security of the outdoor area.

Greg Chargin, Director of Construction for OSH, stated that the nursery would be enclosed with a shade cloth on top that emits light but prevents anything from being thrown over the fence, and surrounded by a metal railing.

A discussion on the height of the metal railing ensued.

Board member Cunningham asked if there would be racking in the exterior yard, to which Mr. Chargin responded no. The proposal is to create a totally enclosed pick up and receiving area so that nothing was outside except for the exterior nursery, which is enclosed.

Board member Ezzy Ashcraft asked if the entrance to the nursery was near the east elevation and if the garden area could be accessed from the front of the building.

Mr. Chargin replied that there would be a door on the side. The door leads towards the front entrance and is only used during heavy selling seasons.

Board member Cunningham asked if there was a point of sale in the garden area.

Mr. Chargin replied only in heavy selling seasons when it is more of a convenience for customers.

Board member Cunningham asked if the tall red brick on the front elevation extends further out than the existing Safeway building relative to the curb.

Randy Kyte, Harsch Investment, replied that Paoli did the base building redesign and OSH's own architect did the inner workings of the facility. Regarding the nursery area, this is the first time an open-air concept has been used at Alameda Towne Centre (ATC). The design was a collaboration between the two architectural firms to keep the area open, light, and secure.

Board member Kohlstrand stated she thought the overall increase in square footage was 1,500 sf, but it excludes the garden center. She asked if it was being picked up by extending the west wall.

Mr. Kyte responded yes. When the loading dock is relocated an area will be reconfigured, the building pushed back slightly, and the former large deep loading dock will be infilled.

Board member Kohlstrand asked if there was an extension towards the Willows, to which Mr. Kyte responded no.

President Cook asked if the square footage included the 35,000 sf building currently located there plus 1,500 sf and staff responded that the building is 37,200 sf and the additional square footage is 1,575.

Board member Kohlstrand stated that she liked the design of the building. She expressed concerns about the additional square footage of the garden center and the sidewalk along the north/south driveway, which disappeared with the new design. She also expressed concern about the lack of landscaping on the west elevation given that it is closer to residential uses. She would like landscaping in this area similar to what is being done inside the Centre.

The Board members asked questions about the landscaping for the project and staff responded.

Board member Autorino believed it was a good use of the property and it would be good to have OSH in Alameda. He does not believe OSH would have a significant impact on local businesses. He agreed that some additional landscaping would be nice, but that he liked the proposal as it was presented.

Board member Ezzy Ashcraft stated that she generally liked the proposal. Her concern is the delivery truck route, and the impact on other businesses. Staff responded that deliveries are addressed in the next agenda item.

Board member McNamara approved of the design and believed it was consistent with the other buildings in the Centre.

Board member Lynch agreed that the design was harmonious. He acknowledged that moving the loading dock inside was a great idea. He stated that the area is zoned for this type of use, and the Alameda Economic Development Commission approved of this type of business.

President Cook stated that she was comfortable with the design along with the landscaping improvements. She believed the outdoor area was additional GLA. She expressed concerns

about site improvements not being included with the project. She was troubled by another expansion of a use in the absence of more sidewalks, more safety, particularly in relation to the medical buildings and more sidewalks near the post office. She was uncomfortable increasing square footage until some of the site improvements were implemented. She was concerned about the impact on smaller businesses, but did not believe the Board could dictate use. She believed when approving square footage, consideration should be given for the carrying capacity of the land.

A discussion about the expansion ensued.

Board member Autorino stated that OSH customers would not include general contractors, or construction companies with one-ton pick-ups and flat bed trucks. He does not believe there will be a huge impact on traffic. He believed there were higher traffic levels for Safeway than there will be for OSH.

Board member Cunningham stated the design review looked great and had no further comments.

Board member Autorino moved and Board member Cunningham seconded the motion to approve Major Design Review allowing renovation of Building 1000 in Alameda Towne Centre with conditions.

Board member Ezzy Ashcraft moved to specify that it is the west elevation referred to regarding the added landscaping.

The motion passed with the following voice vote – 5. Noes: 2, Absent: 0, Abstain: 0.

9-D. Planned Development Amendment, Major Design Review – PDA05-0004, DR05-0073 – 523 South Shore Center – Harsch Investment Corp. The applicant requests approval of Planned Development Amendment and Major Design Review entitlements and certification of an Environmental Impact Report (EIR) for redevelopment and expansion of Alameda Towne Centre. The project includes redevelopment of the site, resulting in full build-out of up to approximately 706,650 square feet of gross leasable floor area, construction of a new parking structure, pedestrian, bicycle and transit improvements, new signage and other minor site improvements. (DG)

Mr. Garrison presented the staff report. Staff is recommending approval of the project.

President Cook asked what the square footage was for phase two and three. Staff responded 600,000 sf for phase two and 681,000 sf for phase three. Phase 2 is proposed to be implemented between now and 2010 and phase 3 from 2010 to 2012. The sidewalks and the OSH proposal are part of phase two.

Staff discussed the new sign program and stated there are currently two sign programs valid for ATC. This proposal would supersede all earlier documents. The new program includes guidelines for monument signs, directional signs, and way finding signs.

President Cook asked if the traffic study was done before or after the gas station. Staff replied that the study did consider the gas station traffic.

The public hearing was opened.

Board member McNamara made a motion to limit public comments to three minutes. Board member Autorino seconded the motion. The motion passed with the following voice vote: 6; Noes: 1.

Christine Healey spoke in opposition to the project. She was concerned about delivery hours and maintenance activities. She asked that the board remove the 200-foot qualifier and restrict deliveries to normal business hours.

Dorothy Reid spoke in opposition to the project. She asked that the Board not certify the FEIR and not approve the PDA as it is presented.

Holly Sellers spoke in opposition to the project. She expressed concern about the proposed garage

Claire Risley spoke in opposition to the project. She did not believe the EIR contained the congestion management plan requested by both the Alameda County Congestion Management Agency and AC Transit.

Eugenie Thomson spoke in opposition to the project: She believed the DEIR was incomplete and the traffic study was technically inadequate and asked that the Board certify it.

Karen Bey spoke in favor of the project: She believed the expansion of ATC was great. She believed this was an opportunity to assess what went right, what went wrong, and what would be done going forward.

Bill Smith commented on the project.

The public hearing was closed.

Vice President Kohlstrand asked Staff if copies of the document were made available to the public. Staff responded that CEQA requires any responsible agency that submitted comments be provided with the FEIR. The city under state law is required to have a ten-day notice before the hearing in which the EIR would be certified and the project approved. In this case, a twenty-day notice was mailed.

Board member Lynch asked if the technical appendices were substantially modified for the FEIR. Staff responded no.

Board member Lynch asked if the traffic engineer modified, altered or changed any of the methodology between the draft and the final EIR.

Peter Galloway with Omni Means Engineers & Planners responded no.

Board member Autorino inquired about the need for business hours between 6 am to 12 am. Staff responded that there were many requests for varying hours from individual tenants in ATC and this made the hours for the center uniform.

A discussion between the Board and the applicant ensued regarding the expansion and parking.

Board member Cunningham would prefer a more prudent approach toward the expansion and have it proceed incrementally. He expressed reservations about approving a document that would allow construction of the parking structure and an additional second level over Kohls. He also expressed concerns regarding the development at the waterfront. He would prefer a conservative approach to the development process and would like to understand what the current entitled expansion, potential congestion, and impacts are.

A discussion ensued between the Board and staff regarding the total square footage of the center and the build out with the expansion. Staff explained that 706,000 sf is the cap. The building on the plans shows a 10,000 sf building on the waterfront if it comes in at 12,500, 25% larger, it could still be approved without going through a PDA as long as the overall size of all the footprints together are still within the 706,000 total.

President Cook noted that the Board had two decisions to make, certify the EIR and approve the project.

Staff stated that one resolution and one master plan were being requested for this site so everything can be in one document.

Board member McNamara moved to continue the item to the August 11 meeting. Board member Lynch seconded the motion.

President Cook stated she would be unable to attend the meeting of August 11 but would submit written comments to staff for submission to the Board.

A discussion between the Board and staff ensued regarding significant impacts, mitigation measures, monitoring, and the public notification process.

The motion passed with the following voice vote — 6. Noes:1, Absent: 0. Abstain: 0. The item was continued to August 11.

9-E. Appeal of Major Design Review Approval – PLN08-0178 – 1633 Clinton Avenue.
An appeal of staff's approval of the Major Design Review application for exterior alterations, including the installation of a door and windows, and addition of a second-story roof dormer to the single-family dwelling at 1633 Clinton Avenue. The site is located within an R-1, One-Family Residential Zoning District. (SW) **(The appellant has withdrawn the appeal. No further action by the Planning Board is required.)**
Withdrawn by the appellant.

10. WRITTEN COMMUNICATIONS:
NONE.

11. BOARD COMMUNICATIONS:
Board members may ask a question for clarification, make a brief announcement or make a brief report on his or her activities. In addition, the Board may provide a

referral to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning a City matter or, through the chair, direct staff to place a request to agendize a matter of business on a future agenda.

Board member McNamara reminded staff she had previously requested an update on Bridgeside and would like to schedule a follow up and field trip.

Staff responded that the item would be placed on the September agenda.

Board member Ezzy Ashcraft stated she had attended the Meals on Wheels fundraiser at the Rosenblum winery and was notified that on August 2 at 9:30 a.m. there will be a bicycle master plan update ride. The meeting place is to be determined but information can be obtained at www.bikealameda.org.

Board member Ezzy Ashcraft mentioned that queuing near the theatre has become a problem. Staff replied that contact has been made with the theatre operator to adjust the queuing plan.

Board member Ezzy Ashcraft mentioned the recently installed containment area in front of Pappos restaurant seemed a bit awkward

Staff replied that when outdoor seating is requested on public streets an encroachment permit is required and staff's responsibility is to ensure there is ADA access. There is no design review or use permit required.

President Cook mentioned the groundbreaking ceremony for Shinsei Gardens on Wednesday morning at 9.

The meeting was adjourned.

12. ADJOURNMENT: 11:10 p.m.

Respectfully submitted,

Andrew Thomas, Secretary
City Planning Board

This meeting was audio and video taped.